

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

JASON KESSLER

Plaintiff,

v.

Case No. 3:18cv00015-NKM-JCH

CITY OF CHARLOTTESVILLE

And

MAURICE JONES

Charlottesville City Manager

Defendants.

Memorandum in Support of Motion to Withdraw

This court's applicable local rule states, "No attorney of record shall withdraw from any cause pending in this Court, except with the consent of the Court for good cause shown." W.D. Va. Gen. R. 6(i).¹ Whether to allow an attorney to withdraw is committed to the district court's discretion. *See United States v. Blackledge*, 751 F.3d 188, 193 (4th Cir. 2014). In exercising that discretion, the court considers "the disruptive impact that granting the motion to withdraw would have on the client, her prosecution of the case, and the effective administration of justice." *US v. PAT USA*, Civil Action No. 5:16-cv-00007 W.D. Va. 2017 (Memorandum Opinion). Virginia Rules of Prof'l Conduct 1.16(b)(5) authorizes the withdrawal from representation if "the representation will result in an unreasonable financial burden on the lawyer or *has been rendered unreasonably difficult by the client*" (emphasis in original); *Tharpe v. Lawdijaja* Civil Action No. 6:12-cv-00039, W.D. Va. 2013 (Memorandum Opinion).

Trial is set for April of 2019; continuing the representation would present an unreasonable financial burden on counsel. Further, allowing withdrawal will not have any disruptive impact on the client, as he has indicated that he has local counsel to substitute, and also foreign counsel, who

together can effectively prosecute the case, should they so choose, thus ensuring the effective administration of justice.

Wherefore, counsel asks that he be allowed to withdraw and that Mr. Kessler's interest be protected for a sufficient time to substitute counsel.

/s/ Elmer Woodard

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CERTIFICATE OF SERVICE

I, Elmer Woodard, hereby certify that on the 25th of July, 2018, I caused a true and correct copy of the foregoing to be served via electronically upon the following:

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/s/ Elmer Woodard